

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 43 by Representative Geymann

CONTROLLED SUBSTANCES: Provides for proof of a valid prescription as a defense to violations of the Uniform Controlled Dangerous Substances Law

Synopsis of Senate Amendments

- 1. Provides that the production of the original prescription bottle with the defendant's name, the pharmacist's name, and prescription number shall be sufficient proof of a valid prescription.
- 2. Requires a defendant to file a motion to quash before commencement of the trial when he claims the defense of a valid prescription.
- 3. Deletes provision requiring production of a valid prescription with 15 days after arraignment.

Digest of Bill as Finally Passed by Senate

Present law provides for the Uniform Controlled Dangerous Substances Law and provides for penalties for violations of that law.

Proposed law retains the provisions of present law and provides that an individual who claims possession of a valid prescription for any controlled dangerous substance as a defense to a violation of the provisions of the Uniform Controlled Dangerous Substances Law shall have the obligation to produce sufficient proof of a valid prescription. Proposed law further provides that production of the original prescription bottle with the defendant's name, the pharmacist's name and prescription number shall be sufficient proof of a valid prescription.

Present law provides for grounds for a motion to quash.

Proposed law retains the provisions of present law and adds as a grounds for a motion to quash that the defendant who is charged with a violation of the Uniform Controlled Dangerous Substances Law has a valid prescription for that substance.

(Adds R.S. 40:991 and C.Cr.P. Art. 532(10) and 535(7))